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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,576	02/24/2004	William A. McCarty	KSC11.016A	1813

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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER

PAUL, DISLER

ART UNIT	PAPER NUMBER
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2615

NOTIFICATION DATE	DELIVERY MODE
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05/02/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcarter@kmob.com
eOAPilot@kmob.com

Office Action Summary	Application No.		Applicant(s)	
	10/786,576		MCCARTY ET AL.	
	Examiner		Art Unit	
	DISLER PAUL		2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/26/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Response to Amendment

In regard to the declaration to establish conception of the invention prior to the effective date of the reference with due diligence. Such, documents have been analyzed and thus, a new non-final office action is written.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 2,6-7; 9-10; 13,19,21-22,24-25,33-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Tajima (US 7,034,902 B2).

Re claim 2, Tajima discloses a modular mounting system for audio-visual components , comprising: at least one audio-visual module ; and a rail wherein the rail is configured to be attached to a surface, and wherein the rail is configured to receive the module (fig.1 wt(5,3-4,7), fig.5 wt (2,200,3-4); col.5 line 15-24 & line 44-48; col.10 line 1-17) .

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Re claim 6, the modular mounting system of claim 2, wherein the rail comprises a plurality of openings configured to receive a fastener (fig.7 wt (52b,50a), col.13 line 45-53).

Re claim 9, the modular mounting system of claim 2, wherein the at least one audio-visual module comprises a loudspeaker (fig.5-7(3-4,200); col.9 line 58-64).

Re claim 7, the modular mounting system of claim 2, wherein the rail comprises; a base configured to define a mating relationship with the at least one module, a pair of flanges that define a groove running along the lengthwise edge of the base (fig.7 wt (50a)/top and edge; col.14 line 15-28, col.13 line 45-52).

Re claim 10, the combined teaching of Tajima and Schlattmann et al. as a whole, disclose of the modular mounting system of claim 2, wherein at least one audio-visual module comprises a DVD player (col.8 line 57-65).

Re claim 11, the assembly of claim 2, further comprising many different modules in the rail, wherein the module incorporating the specific of an amplifier (fig.1, col.10 line 1-17/speaker units).

Re claim 13, the modular mounting system of claim 2, wherein the at least one audio-visual module comprises an audio-visual controller (fig.1,5,7; col.8 line 57-65/rail wt dvd/vcr).

Re claim 19, the modular mounting system of claim 2, wherein the at least one audio-visual module comprises a central processing unit (fig.1 wt (7,2), col.8 line 57-67/rail with module stand for incorporating processor).

Re claim 21, the modular mounting system of claim 2, wherein the at least one audio-visual module comprises an audio-visual signal distribution system (see claim 19 rejection).

Re claim 24, Tajima discloses the method of mounting audio-visual components to a surface, comprising: securing a rail to the surface and connecting an audio-visual component to the rail (fig.1 wt(2,5,3-4), fig.5 wt (200,3-4)).

Re claim 22, the method of claim 24, wherein the rail having portions thereof that define a channel and wherein the audio-visual component has attachment surfaces that matingly connect with the channel to the rail, so as to fix the component in a desired location on the rail (fig.7).

Re claim 25, the method of claim 24, further comprising connecting at least one additional audio-visual component to the rail (fig.1,5(2-4,200), col.8 line 55-67).

Re claim 33, Tajima disclosed of the modular mounting bar for securing components in proximity to a display having a width comprising: a rail having mounting locations for audio-visual components; and means for connecting an audio-visual component to multiple locations on the rail so that component locations match the width of the display (fig.1,5); col.3 line 12-30/device to conspicuously match display).

Re claim 34, the module mounting bar of claim 33, further comprising means for connecting at least one additional audio-visual component to the rail (fig.1,5 wt (2-5,200)).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1,3-5,23,26-31, 35-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tajima (US 7,034,902 B2) and Schlattmann et al. (US 6,298,942 B1).

RE claim 1, Tajima disclose of the modular mounting bar for securing components to a surface (fig.1,5,7-9), comprising: a plurality of audio-visual modules and a rail configured to be attached to the surface at one of a plurality of locations along the rail and configured to receive a module at one of a plurality of locations along the rail (fig.1 wt(5,3-4), fig.5 wt (200,3-4); col.5 line 15-24 & line 44-48; col.10 line 1-17/speaker units).

However, Tajima fail to disclose of the having a cover configured to be secured in front of at least a portion of one of the modules. But, Schlattmann et al. disclose of a housing having a speaker wherein the speaker having a cover configured to be secured in front of at least a portion of one of the modules (fig.1-3, col.2 line 1-4) for providing an aesthetic look to the housing device. Thus, taking the combined teaching of Tajima and Schlattmann et al as a whole, it would have been obvious for one of the ordinary skill in the art at the time of the invention to have modify Tajima by incorporating the housing having a speaker wherein the speaker having a cover configured to be secured in front of at least a portion of one of the modules for providing an aesthetic look to the housing device.

Re claim 3, the modular mounting system of claim 2, However, Tajima fail to disclose of the having a cover that is configured to be secured in front of the modules. But, Schlatmann et al. disclose of a housing having a speaker wherein the speaker having a cover configured to be secured in front of the modules (col.2 line 1-4) for providing an aesthetic look to the housing device. Thus, taking the combined teaching of Tajima and Schlatmann et al as a whole, it would have been obvious for one of the ordinary skill in the art at the time of the invention to have modify Tajima by incorporating the housing having a speaker wherein the speaker having a cover configured to be secured in front of at least a portion of one of the modules for providing an aesthetic look to the housing device.

Re claim 23, the method of claim 22, further comprising: securing a cover to the component so as to secure the cover in a desired location on the component (see claim 3 rejection).

Re claim 4, the modular mounting system of claim 3, wherein the cover is configured to be secured to the at least one module (col.2 lien 1-4/speaker cover with grille).

Re claim 5, the modular mounting system of claim 3, wherein the cover comprises a grille (see claim 4 rejection).

Re claim 26, Tajima discloses the assembly for mounting audio-visual components for use with a wall-mounted display, the assembly comprising: at least two audio-visual modules comprising loudspeakers and a rail wherein the rail is configured to be attached to a surface, and wherein the rail is configured to receive the module (fig.1-7,; and a cover fig.1 wt(5,3-4), fig.5 wt (200,3-4); col.5 line 15-24 & line 44-48; col.10 line 1-17/speaker units).

However, Tajima fail to disclose of the cover with the display and mating with the module. But, Schlattmann et al. disclose of a housing having a speaker wherein the cover with the display and mating with the module (col.2 line 1-4) for providing an aesthetic look to the housing device. Thus, taking the combined teaching of Tajima and Schlattmann et al as a whole, it would have been obvious for one of the ordinary skill in the art at the time of the invention to have modify Tajima by incorporating the housing having a speaker wherein the cover configured with the display and mating with the module for providing an aesthetic look to the housing device.

However, the combined teaching of the Tajima and Schlattmann et al as a whole, fail to disclose of the specific having a dimension

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approximately equal to a length of the display. However, official notice is taken that the concept of having a dimension approximately equal to a length of the display is commonly known in art, thus, it would have been obvious to have incorporating the specific of having a dimension approximately equal to a length of the display for improving the aesthetic look of the appearance of the flat panel monitor with the speaker length.

Re claim 27, the assembly of claim 26, wherein the cover is configured to be coupled to the modules (Schlatmann, col.2 line 1-4).

Re claim 28, the combined teaching of the Tajima and Schlatmann et al as a whole, teach of the assembly of claim 26, wherein the cover is configured to be coupled to the rail (tajima, fig.1-7).

Re claim 29, the assembly of claim 26, wherein the cover comprises a grille (Schlatmann, col.2 line 1-4).

Re claim 30, the assembly of claim 26, further comprising a third module comprising a loudspeaker (fig.1-6/multiple speakers module).

Re claim 31, the assembly of claim 26, further comprising many different modules in the rail, wherein the module incorporating the specific of an amplifier (fig.1, col.10 line 1-17/speaker units).

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Re claim 35, Tajima disclosed of a modular mounting bar for securing components in proximity to a display having a width, comprising: at least one module audio-visual-module (fig.1,5,7); a railing having a length no greater than the display width and having several mounting holes at each of a plurality of module mounting locations to match module mounting to display width (fig.1-7, col.3 line 15-30).

However, Tajima fail to disclose of the cover with the display. But, Schlatmann et al. disclose of a housing having a speaker wherein the cover with the display (col.2 line 1-4) for providing an aesthetic look to the housing device. Thus, taking the combined teaching of Tajima and Schlatmann et al as a whole, it would have been obvious for one of the ordinary skill in the art at the time of the invention to have modify Tajima by incorporating the housing having a speaker wherein the cover configured with the display for providing an aesthetic look to the housing device.

However, the combined teaching of Tajima and Schlatmann et al. as a whole, fail to disclose the specific length being substantially the same as the display width. However, official notice is taken that the concept of having length being substantially same as display is commonly known in art, thus, it would have been obvious to have incorporating the specific of having the length being substantially the same as the display width for improving the aesthetic look of the appearance of the flat panel monitor with the speaker length.

Re claims 36-48 have been analyzed and rejected with respect to claims 9-21 respectively.

5. Claims 8, 12,15-18,20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tajima (US 7,034,902 B2).

Re claim 12, the modular mounting system of claim 2, wherein the at least one audio-visual module comprises many different modules in the rail, However, Tajima fail to disclose of the module incorporating the specific of a television tuner. However, official notice is taken the concept of the module being incorporating with another device and such device of being the television tuner is designer's preference, thus it would have been obvious for one of the ordinary skill in the art at the time of the invention to have modify Tajima by incorporating the different modules and specifically a television tuner for the purpose of outputting audible sound level to be heard by the listener.

Re claims 15-18, 20 have been analyzed and rejected With respect to claim 11.

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RE claim 8, the modular mounting system of claim 7, wherein the pair of flanges each extend along with each other and opposite longitude edge of the base, However, Tajima fail to disclose of the specific wherein the pair of flanges extend perpendicular to each other and having a portion comprising an inwardly extending lip. However, official notice is taken the idea of having the flanges being specifically flanges extend perpendicular to each other and having a portion comprising an inwardly extending lip is simply the inventor's preference, thus it would have been obvious for one of the ordinary skill in the art to have modify Tajima by incorporating the idea of having the flanges being specifically flanges extend perpendicular to each other and having a portion comprising an inwardly extending lip for securing the modules device.

6. Claims 14,32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tajima (US 7,034,902 B2) and further in view of Annaratone (6,151,401).

Re claim 14, the modular mounting system of claim 2 with the audio-visual module comprises a transmitter (fig.1-7)/ speaker), However, Tajima fail to disclose of the transmitter being wireless. But, Annaratone disclose a system with the further limitation of having the wireless transmitter (col.3 line 54-57) for the purpose of providing simpler connections between the modules. Thus, taking the

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combined teaching of Tajima and Annaratone as a whole, it would have been obvious for one of the ordinary skill in the art of the invention to have modify Tajima by incorporating the having the wireless transmitter for the purpose of providing simpler connections between the modules.

Re claim 32, has been analyzed and rejected with respect to claim 14 above.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. the following art of record disclose of the audio-visual module incorporated with a display device: Christie (US 6,918,461 B2); Polk, Jr et al. (US 6,721,434 B2); Ryuuzaki (US 6,449,146 B1) and Meisner et al. (US 5,675,426).

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Disler Paul whose telephone number is 571-270-1187. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chin Vivian can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. P./
Examiner, Art Unit 2615

/Vivian Chin/
Supervisory Patent Examiner, Art Unit 2615

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